

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Gabriel Eckhard
Plaintiff

18-CV-

1260 Tsz-BAT

Case No.

V.S.

Breanna Caraway, Jeff Stringham,
Asen Deshev, Jack Warner,
Defendants.

COMPLAINT

I. JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of State law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff Eckhard seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff Eckhard's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. The Western District of Washington is an appropriate venue under 28 U.S.C. Section 1391 (b) (2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF

3. Plaintiff Gabriel Eckhard, is and was at all times mentioned herein a prisoner of the State of Washington in the custody of the Washington

Department of Corrections. He is currently confined in the Monroe Correctional Complex, Special Offenders Unit, in Monroe, Washington.

III. DEFENDANTS

4. Defendant Breeann Caraway is a Correctional Officer of the Washington Department of Corrections who, at all times mentioned in this complaint, held the rank of Sergeant and was assigned to Monroe Correctional Complex Special Offenders Unit.
5. Defendant Jeff Stringham is a Correctional Officer of the Washington Department of Corrections who, at all times mentioned in this complaint, held the rank of Correctional Officer 2 and was assigned to Monroe Correctional Complex Special Offenders Unit.
6. Defendant Asen Deshev is a Correctional Mental Health Custody Unit Supervisor of the Washington Department of Corrections, who, at all times mentioned in this complaint, was assigned to Monroe Correctional Complex Special Offenders Unit.
7. Defendant Jack Warner is the Superintendent of Monroe Correctional Complex Special Offenders Unit. He is legally responsible for the operation of Monroe Correctional Complex Special Offenders Unit and for the welfare of all inmates at that prison.

IV. FACTS

8. At all times relevant to this case, Plaintiff Gabriel Eckard was housed in A Unit.
9. On August 16, 2018, Defendant Jeff Stringham delivered Plaintiff's mail to his cell. When Plaintiff asked Defendant Stringham for his newspaper he was told that he was not allowed to have it.
10. Shortly after Stringham delivered the mail Defendant Breeann Coraway approached Plaintiff's cell front to deliver some items related to legal telephone calls. At that time Plaintiff Eckard attempted to address the issue concerning his newspapers but, she only remained silent while signing his OS-091 form attached to the cell door. Plaintiff never received his newspaper and will not receive his future newspapers.
11. Plaintiff Eckard attempted to address the issue concerning his newspapers with Defendants Asen Deshev and Jack Warner via kite but, they refuse to take any action to correct the issue.
12. The newspaper publication is U.S.A. Today and costs \$2.00 each. It is published Monday through Friday, weekly.

V. LEGAL CLAIMS

13. Plaintiff Eckard has a First Amendment right to receive publications and Jeff Stringham violates that right by not giving him his daily newspapers.

14. By refusing to correct the problem Defendant Caraway, Deshev, and Warner also violate Plaintiff Eckard's First Amendment rights

VI. EXHAUSTION OF LEGAL REMEDIES

15. Plaintiff Eckard is unable to exhaust his legal remedies due to a pending release date. He will be released in two weeks.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this court enter judgment:

16. Granting Plaintiff Eckard a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States; and
17. A preliminary and permanent injunction ordering defendants not to deprive Plaintiff, or any other prison inmate, of any publications except in a manner prescribed by law; and
18. Granting Plaintiff compensatory and punitive damages in the amount of \$4,000,000 against each defendant, jointly and severally.
19. Plaintiff also seeks a jury trial on all issues triable by jury,
20. Plaintiff also seeks recovery of his costs in this suit, and,
21. Any additional relief this court deems just,

proper, and equitable.

Dated: August 19, 2018

Respectfully Submitted,

Gabriel Eckard

#843345

Monroe Correctional Complex

PO Box 514

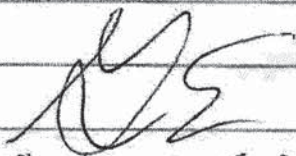
Monroe, WA

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true.

I certify under penalty of perjury that the foregoing is true and correct.

Executed at Monroe, Washington on August 19, 2018



Gabriel Eckard

Each defendant is sued individually and in his/her official capacity. At all times mentioned in this complaint each defendant acted under the color of State law.